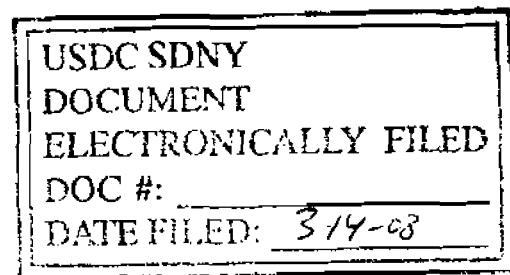


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*Attorneys for Defendant Merck & Co., Inc.*



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:  
Fosamax Products Liability Litigation

1:06-md-1789 (JFK)

*This Document Relates to:*  
Marion Goss, et al.  
v. Merck & Co., Inc.  
Case No: 1:07-cv-7290-JFK

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in the above captioned case and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

1. This case having been resolved upon the agreement of the above named Plaintiffs to voluntarily dismiss with prejudice their claims against Merck in the above-captioned case and the agreement of Merck not to seek from Plaintiffs its fees and costs, the following Plaintiffs are hereby dismissed from the above captioned case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii):

Ernest Garcia  
Gloria Yoos  
Helen Marion  
Joyce Jefferson  
Larry Groomer

BA2336514

Marion Floyd  
Nan Christian  
Patricia Ann Walter  
Silvia Iorio

2. Each party is to bear its own costs and attorneys' fees.

BA2/336514

Dated: February 22 2008

PHILLIPS & ASSOCIATES

HUGHES HUBBARD & REED LLP

By 

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*Attorneys for Plaintiff*

*Attorneys for Defendant Merck & Co, Inc.*

SO ORDERED:

  
Hon. John F. Keenan

3/14/08